

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 16

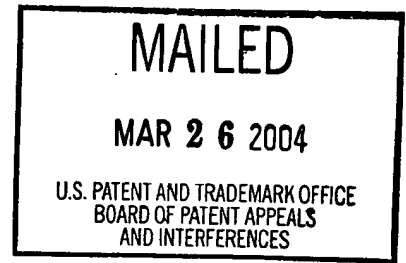
UNITED STATES PATENT AND TRADEMARK OFFICE

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Ex parte MATTHEW JOSEPH DOYLE,
STEPHEN JOSEPH HUNTER-RINDERLE and ROBERT ERNEST SINGER, JR.

Appeal No. 2004-0445
Application No. 09/607,240

ON BRIEF



Before WILLIAM F. SMITH, ADAMS, and GREEN, Administrative Patent Judges.

GREEN, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. § 134 from the examiner's final rejection of claims 5-9. Claims 5 and 8 are representative of the subject matter on appeal, and read as follows:

5. A method for promoting whole body health in human and other animal subjects, comprising topically administering to said subjects' oral cavity, a composition comprising a safe and effective amount of an antimicrobial agent and a pharmaceutically acceptable oral carrier, wherein said antimicrobial is selected from the group consisting of stannous ion agent; triclosan; trilosan monophosphate; chlorhexidine; alexidine; hexetidine; sanguinarine; benzalkonium chloride; salicylanilide; domiphen bromide;